

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
(Eastern Division)**

KPM ANALYTICS NORTH AMERICA  
CORPORATION,

Plaintiff,

v.

BLUE SUN SCIENTIFIC, LLC, *et al.*

Defendants.

Case No. 4:21-cv-10572-TSH

**DEFENDANTS’ JOINT AND ASSENTED-TO MOTION  
TO IMPOUND AND FOR LEAVE TO FILE DOCUMENTS UNDER SEAL**

Defendants Blue Sun Scientific, LLC (“Blue Sun”), The Innovative Technologies Group & Co., LTD (“ITG”), Arnold Eilert, Robert Gajewski, Rachael Glenister, and Irvin Lucas (collectively, “Defendants”) respectfully request that the Court grant leave to file under seal an unredacted version of Defendants’ forthcoming motion to dissolve or modify the preliminary injunction (the “Motion”) and certain supporting documents, based on the parties’ designation of certain information referenced therein as containing confidential and highly confidential material. In support of this motion, the Defendants state as follows:

1. On April 5, 2021, plaintiff KPM Analytics North America Corporation’s (“KPM”) filed the Verified Complaint in this action.

2. On April 6, 2021, KPM filed a motion for preliminary injunction (ECF No. 7). This Court subsequently ordered expedited discovery. On June 17, 2021, at the parties’ request, this Court entered a Stipulated Protective Order (ECF No. 59), allowing the parties to designate certain documents and testimony as confidential or highly confidential so that such material is not disclosed to individuals or publicly in a way that would harm the business interests of the parties, among other things. That Stipulated Protective Order also provided that “Without written

permission from the Designating Party or a court order secured after appropriate notice to all interested persons, a Party may not file in the public record in this action any Protected Material but may file Protected Material under seal in accordance with the rules of the Court.” Protected Material includes material designated confidential and highly confidential.

3. During the course of discovery, each of the parties designated certain documents and deposition testimony as either confidential or highly confidential.

4. The Defendants intend to file as soon as possible (following a ruling from this Court on the relief requested herein) a motion to dissolve the preliminary injunction. With their briefs, the Defendants intend to submit documents that have been designated as either confidential or highly confidential by the various parties. The Defendants also intend to cite, quote, or summarize such confidential and highly confidential material in their brief.

5. The confidential and highly confidential material that the Defendants intend to file includes information that could harm the producing parties’ legitimate business interests if publicly filed and falls within the scope of Sections 1.5 and 1.6 of the Stipulated Protective Order. No party has agreed to remove the confidentiality designations on the relevant documents that Defendants intend to use in connection with their Motion.

6. The material at issue should be impounded until further order of the Court.

7. No party will be prejudiced by allowing the Defendants to file their briefing and any supporting confidential or highly confidential material under seal.

8. The Defendants conferred with counsel for Plaintiff KPM, who assented to the relief requested in this motion.

WHEREFORE, the Defendants respectfully request that the Court allow them to file under seal the brief and exhibits as part of their Motion.

Respectfully submitted,

Date: August 23, 2022

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*Attorneys for Defendants Blue Sun Scientific, LLC  
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LTD*

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1**

I HEREBY CERTIFY that on August 22, 2022, Defendants' counsel conferred with counsel for Plaintiff, who assented to the relief requested in this motion. a copy of the foregoing was served via the Court's ECF system upon all counsel of record.

/s/ Dawn Mertineit

Dawn Mertineit

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on August 23, 2022, a copy of the foregoing was served via the Court's ECF system upon all counsel of record. Paper copies will be sent to those indicated as non-registered participants.

/s/ Dawn Mertineit

Dawn Mertineit